

BATSON Justifications: Articulating Juror Negatives

1. Inappropriate Dress - attire may show lack of respect for the system, immaturity, or rebelliousness
2. Physical Appearance - tattoos, hair style, disheveled appearance may mean resistance to authority
3. Age - Young people may lack the experience to avoid being misled or confused by the defense
4. Attitude - air of defiance, lack of eye contact with Prosecutor, eye contact with defendant or defense attorney
5. Body Language - arms folded, leaning away from questioner, obvious boredom may show anti-prosecution tendencies
6. Rehabilitated Jurors - or those who vacillated in answering D.A.'s questions
7. Juror Responses which are inappropriate, non-responsive, evasive or monosyllabic may indicate defense inclination
8. Communication Difficulties, whether because English is a second language, or because juror appeared to have difficulty understanding questions and the process
9. Unrevealed Criminal History re. voir dire on "previous criminal justice system experience"
10. Any other sign of defiance, sympathy with the defendant, or antagonism to the State